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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,024	03/11/2002	Alain Denes	84782	5795
24628	7590	10/18/2005		
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			EXAMINER TWEEL JR, JOHN ALEXANDER	
			ART UNIT 2636	PAPER NUMBER

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/009,024

Applicant(s)

DENES, ALAIN

Examiner

John A. Tweel, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-50 is/are pending in the application.
- 4a) Of the above claim(s) 34-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-30, 40, 42, 44-47 and 49 is/are rejected.
- 7) ☒ Claim(s) 31-33, 41, 43, 48 and 50 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/5/01, 9/16/02.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 10/14/05.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C.

121:

- I. Claims 26-33 and 40-50, drawn to networked streetlamps, classified in class 340, subclass 310.11.
- II. Claims 34-39, drawn to electrical connections, classified in class 361, subclass 641.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the radio network for street lamps does not require a screw-type female socket to function. The subcombination has separate utility such as power distribution and safety.

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3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Eric Cohen on 10/14/05 a provisional election was made without traverse to prosecute the invention of Group I, claims 26-33 and 40-50. Applicant in replying to this Office action must make affirmation of this election. Claims 34-39 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Claim 45 is objected to because of the following informalities: There is no period at the end of the claim. Appropriate correction is required.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 26-30, 40, 42, 44, 45, and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by **Williams et al** [U.S. 6,892,168].

For claim 26, the street lamp taught by **Williams** includes the following claimed subject matter, 1) the claimed electric lamp is met by the lamp (No. 240) for lighting a street, 2) the claimed radio transceiver is met by the transmitter/receiver unit (Nos. 414 and 415) in the control unit (No. 310) for controlling the lamp, wherein the receiver unit sends and repeats messages to the processing and sensing unit (No. 412).

For claims 27 and 28, the operating instructions of Williams controls the switching on and off of the lamp (claims 5 and 18).

For claim 29, the processing and sensing unit (No. 520) of Williams senses current levels.

For claim 30, the monitoring and control unit includes at least one actuation component for manipulating the operation of the street light in response to status information communicated by the sensors.

For claim 40, the wireless network taught by **Williams** includes the following claimed subject matter, as noted, 1) the claimed first radio transceiver is met by the transmitter/receiver unit (Nos. 414 and 415) in the control unit (No. 310) associated with the lamp, and 2) the claimed second radio transceiver is met by the transceiver located and the base station (No. 610) wherein the local transceiver is included in the control unit for controlling the lamp as a function of the message received and repeated by the base station transceiver.

For claim 42, the wireless network taught by **Williams** includes the following claimed subject matter, as noted, 1) the claimed first radio transceiver is met by the transmitter/receiver unit (Nos. 414 and 415) in the control unit (No.

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310) associated with the lamp, and 2) the claimed second radio transceiver is met by the transceiver located and the base station (No. 610) wherein the local transceiver is included in the control unit for controlling the lamp as a function of the message received and repeated by the base station transceiver.

For claims 44 and 45, the control units of Williams controls the switching on and off of the lamp (claims 5 and 18).

For claim 49, the sensed parameter of the Williams reference is transmitted to the base station.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Williams et al.**

For claim 46, the network of Williams includes the claimed subject matter as discussed in the rejection of claim 42 above. However, there is no mention of an electrical cabinet.

Electrical cabinets have been used to house electronics and electrical equipment for some time. As this feature does not result in a new or unexpected result, this is considered an obvious variation on the prior art and is therefore not a patentable invention.

For claim 47, the processing and sensing unit (No. 520) of Williams senses current levels.

10. Claims 31-33, 41, 43, 48, and 50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

The specific properties found in the objected claims are not found in an obvious combination of the prior art, such as the chopped electrical supply configured to selectively deliver a first voltage and second voltage that is less than the first voltage as well as the second transceiver associated with a second electric lamp including a circuit for controlling the second lamp.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Jacks** [U.S. 4,199,072] presents a detachable street light base terminal cabinet.

**Benes** [U.S. 5,161,874] is a remote illumination system sensitive to external ambient light.

**Williams et al** [U.S. 6,370,489] remotely monitors and controls street lamps.

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**Williams** [U.S. 6,636,150] remotely monitors and controls an alarm.

**Williams et al** [U.S. 6,714,895] remotely monitors and controls a street lamp.

**Williams et al** [U.S. 6,807,516] includes data having at least an ID field and status field.

**Denes** [U.S. 6,888,320] concerns a method for powering a discharge lamp.

**O'Neill et al** [U.S. 6,912,408] includes a control cabinet on a light pole.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 571 272 2969. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 571 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAT

A handwritten signature in black ink, appearing to read 'J. Tweel', with a stylized flourish at the end.

JOHN TWEEL  
PRIMARY EXAMINER